

Notice of Allowability

Application No.

10/533,663

Examiner

Omar Rojas

Applicant(s)

WAKITA ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on March 16, 2007.
2. ☒ The allowed claim(s) is/are 22,23,26,28 and 30.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S COMMENT

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No. 5,771,321 to Stern teaches a waveguide (12) comprising a waveguide electrode film (47) on a waveguide lateral face; an opposing electrode film (44) opposite the waveguide electrode film (47); a scattering means (32) that can be fluorescent material arranged between the two electrode films (44) and (47); wherein by applying a voltage between the electrode films, light is extracted out of the waveguide as seen in Figs. 4A-4C of Stern. However, the Stern patent does not teach that the fluorescent material (32) and the waveguide electrode film (47) come into contact after the voltage is applied nor does Stern teach changing the shape of a waveguide face as recited by independent claim 22. Thus, Stern is not considered anticipatory prior art under 35 U.S.C. § 102.

Patent No. US 6,642,913 B1 to Kimura et al. teaches a waveguide (12) comprising a waveguide electrode film (16) on a waveguide lateral face; an opposing electrode film (20/42) opposite the waveguide electrode film (16); a fluorescent material (41/51) between the two electrode films (16) and (20/42); wherein by applying a voltage between the electrode films, light is extracted out of the waveguide as seen in Figs. 6-7 of Kimura et al. However, like the Stern patent, Kimura et al. fails to teach that the fluorescent material and the waveguide electrode film come into contact after the voltage is applied or that the shape of a waveguide face is changed as recited by independent claim 22. Thus, the Kimura et al. patent is not considered anticipatory prior art under 35 U.S.C. § 102.

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Lastly, it is the position of this examiner that a rejection of the pending claims under 35 U.S.C. § 103 is not warranted based upon the evidence of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (571) 272-2357. The examiner can normally be reached on Monday-Friday (9:00PM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick, can be reached on (571) 272-2344. The official facsimile number for regular and After Final communications is (571) 273-8300. The examiner's RightFAX number is (571) 273-2357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Omar Rojas
Patent Examiner
Art Unit 2874

or
March 27, 2007



Rodney Bovernick
Supervisory Patent Examiner
Technology Center 2800